

Serial No. 10/633,938

*In the drawings:*

Please make the changes to the sheet 4 with Figures 8 to 10 by removing Figure 8 from the sheet and placing it on a new sheet with the changes shown in red on the attached pages.

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### REMARKS

Initially, Applicants express their appreciation to Examiners D. DeMille and T. M. Nguyen for the courtesies extended to one of them (Thomas E. Lach) and their undersigned attorney during a personal interview held on October 20, 2006. The present amendment sets forth and accords with the substance and results of that interview.

In the May 15, 2006, Office action, Claims 128 to 134, 145 to 156, 171 to 182, 198 to 212, and 228 to 239 received examination. With the indicated amendments, Applicants retain them here for further examination.

The May 15, 2006, Office objected to the drawings under 37 C.F.R. § 1.183(a). Applicants respectfully traverse this objection.

Applicants submit, as part of this amendment, the attached revised Figure 8 of the drawings. As discussed in the interview mentioned above, this figure, as amended, both shows all of the features of the claims and has a clear basis in the specification as originally filed. In particular, support for the drawing as currently amended appears on page 30 of the specification. Since the amended drawing now shows every feature of the claimed invention, Applicants respectfully request the withdrawal of the objection related to it.

Claims 131, 132, 145, 148, 174, 175, 201, 202, 210, and 211 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

With regards to Claims 131, 132, 148, 149, 174, 175, 201, 202, 228, 232, and 239, the participants at the interview discussed above concurred that the current language finds support in the specification. Although the discussion focussed more particularly on Applicants' companion application, Serial No: 10/705,487, the same observations apply

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here. In particular, pages 11, 29, 33 and 34 provided the appropriate disclosure for the claims as currently written.

Claim 145 was stated to lack a basis for the language which recites providing a signal to a powered belt means (now "belt") tightener (as the language states) to tighten the belt around a patient's chest. However, again Figure 8 and its accompanying description on page 30 of the specification clearly provide the required basis. The actuator, on page 30, is attached to a central piston which compresses a fluid within a hydraulic cylinder. As stated there:

Upon actuation of actuator 234, the hydraulic fluid within the cylinder is compressed and is conveyed through the lines 222 and 224 and the pistons 226 and 228 are driven inwardly as described above.

Clearly, as described in this quotation and shown in Figure 8 as presently amended, the actuator 234 must provide a signal of some sort to the power supply 236 (the "cylinder" in the quotation) so that it will compress the fluid and pass it along the lines 222 and 224 to force the pistons 226 and 228 towards each other. The claim recites nothing more than this. Accordingly, the specification provides an adequate basis for this claim as well.

Lastly, with regards to Claims 211 to 213, the above amendments serve to bring their language into accord with that of the independent Claim 198. Furthermore, concerning Claims 210 and 211, this language has direct support in the specification on page 31 describing Figure 9. As stated there and in the claims, the power unit 254 drives the cable 256 either rotatorily or longitudinally and reciprocatingly. The actual mechanical means for doing this are straightforward and within the skill of the artisan in the mechanical arts. Further, as the amended claims clearly point out, the cable does not convey the poser from

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the poser supply to the power unit. Rather, it is actuated by the power unit and serves to move the belt.

Claims 128 to 134, 145 to 156, 171 to 182, 198 to 212, and 228 to 239 were rejected under 35 U.S.C. § 112, second paragraph for various informalities. Applicants respectfully traverse this rejection.

The above amendments to the claims should serve to obviate the bases for this rejection. Accordingly, its withdrawal would appear in order. This action is sincerely requested.

Claims 128 to 130, 133, 134, 145 to 147, 150 to 153, 171 to 173, 176 to 179, 198 to 200, 203 to 206, and 212 were rejected under 35 U.S.C. § 102(a) as anticipated by Mollenauer et al. Claims 156 to 156, 180 to 182, and 207 to 209 were rejected under 35 U.S.C. § 103(a) as obvious over Mollenauer et al. Claims 131, 132, 148, 149, 174, 175, 201, 202, 228 to 235, and 239 were rejected under 35 U.S.C. § 103(a) as obvious over Mollenauer et al. in view of Barkalow et al. Applicants respectfully traverse these rejections.

All of the prior-art rejections have the patent to Mollenauer et al. at their center. However, Mollenauer et al. has an effective filing date of August 27, 1997. As discussed at the interview mentioned above, the claims, as presently written have a clear basis in the specification as originally filed. Accordingly, as claimed in the present application, they have an entitlement to the earliest filing date of the ancestor of the present application. That application issued as U.S. patent 5,738,637 and was based on U.S. patent application serial no. 573,465 which was filed on December 15, 1995. Accordingly, Mollenauer et al. does not constitute a reference that may be applied to reject Applicants' claims. Accordingly, the rejection based on it should be removed. This action is also sincerely requested.

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Claims 240 to 244 did not receive examination in the May 15, 2006, Office action. However, since these claims depend from Claim 239 that would appear allowable by the foregoing, they would also appear entitled to an indication of allowability. This action is sincerely requested. Further, although these claims have previously been withdrawn, they contain minor amendments to make them consistent with the claims from which they depend.

Applicants have studied the other references cited by the Examiner. He agrees that Bystrom et al and Sherman et al. have less pertinence than the other cited art. They also have filing dates that came after the earliest filing date to which the present application has an entitlement. Accordingly, they have no significance to the present application.

During the interview discussed above, the Examiners indicated that they may have to search the prior art further if the primary reference of Mollenauer et al. cannot be applied to the claims because of its filing date. Applicants fully understand this course of action should the Examiners deem it advisable. If so, of all of the many patents cited in the file thus far, Applicants believe that the following references would merit a review in such further examination of the subject application: U.S. patent 4,273,114 to C. E. Barkalow et al.; U.S. patent 4,397,306 to M. L. Weisfeldt et al.; U.S. patent 4,424,806 to B. H. Newman et al.; U.S. patent 4,770,164 to R. Lach et al.; U.S. patent 4,928,674 to H. Halperin et al.; and U.S. patent 5, 287,846 to J. Capjon et al. Additionally, the Examiners may wish to consider U.S. patent 5,269,301 to T.J. Cohen, a copy of which is enclosed and which is listed on the enclosed form PTO/SB08A.

Applicants believe that the above has placed the present application in condition for allowance. They sincerely request this action. Should some minor impediment prevent this

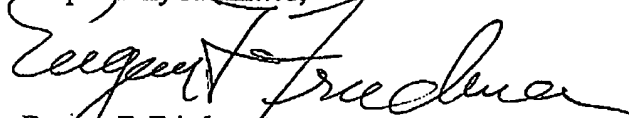
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action, then the examiner is respectfully requested to contact Applicants' attorney at the telephone number given below. Hopefully, such a phone call will portend a substantial saving on the parts of the Patent and Trademark Office as well as Applicants.

Attached is form PTO-2038 signed by the undersigned attorney in the amount of \$510.00 to cover the extension fee for a three-month extension of time to respond to the April 26, 2006, Office action for a small entity. Any required extension fee not paid for by an enclosed form may be charged to Deposit Account 06-2135 of the undersigned attorney.

Respectfully submitted,




Eugene F. Friedman  
Attorney for Applicant  
Reg. No. 25,627

Eugene F. Friedman  
FRIEDMAN & FRIEDMAN, LTD.  
The 566 West Adams Building - Suite 250  
566 West Adams Street  
Chicago, Illinois 60661  
(312) 258-8882  
Dated: November 15, 2006

#### CERTIFICATE OF FAXING

I certify that this correspondence is being faxed to the Commissioner for Patents at the facsimile phone numbers (571) 273-8300 and (571) 273-4979 on November 15, 2006.

  
Eugene F. Friedman

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